



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Steve Tate, Mayor Pro Tempore	Steve Tate, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Mark Grzan, Council Member	Mark Grzan, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, JUNE 15, 2005

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

A Special Meeting of the Redevelopment Agency is called at 7:00 P.M. for the Purpose of Conducting City Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT
Council Member Sellers

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-15

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **FIRE SERVICES CONTRACT**..... **1**
Recommended Action(s):
1. **Approve** the Contract; and
2. **Authorize** the City Manager to Execute the Contract on Behalf of the City.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
2.	<u>AGREEMENT WITH “CIRCA: HISTORIC PROPERTY DEVELOPMENT” TO PREPARE HISTORIC CONTEXT STATEMENT FOR THE CITY OF MORGAN HILL</u> Recommended Action(s): <u>Approve</u> and <u>Authorize</u> Execution of the Agreement, Subject to Review and Approval by the City Attorney.	35
3.	<u>AGREEMENT BETWEEN THE CITY AND INDEPENDENCE DAY, INC. TO CO-SPONSOR THE JULY FOURTH CELEBRATIONS</u> Recommended Action(s): <u>Authorize</u> the City Manager to Sign the Co-Sponsorship with Independence Day, Inc., Subject to Review and Approval by the City Attorney.	45
4.	<u>AQUATICS CENTER OPERATING POLICIES</u> Recommended Action(s): <u>Approve</u> Current Policies Regarding the Required Wearing of Swim Diapers for those under Three Years of Age and All Bags are Subject to Search Upon Entering the Facility.	53
5.	<u>JOINT POWERS AGREEMENT (JPA) BETWEEN COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL FOR CONTINUANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM</u> Recommended Action(s): <u>Adopt</u> Resolution Authorizing the City Manager to do Everything Necessary to Execute and Implement the Joint Powers Agreement (JPA) with the County of Santa Clara for the City’s Continuing Participation in the County’s CDBG Program.	57
6.	<u>INDOOR RECREATION CENTER PROJECT – MAY CONSTRUCTION PROGRESS REPORT</u> Recommended Action(s): <u>Information</u> Only.	73
7.	<u>ACCEPTANCE OF SIGNING AND STRIPING FOR CLASS II BIKEWAYS PROJECT</u> Recommended Action(s): 1. <u>Approve</u> Change Order in the Amount of \$4,160 for Additional Pavement Widening at Dunne Avenue and Gallop Drive to Allow for Bike Lanes; 2. <u>Appropriate</u> \$5,300 from the Current Year Un-Appropriated Street Fund Balance to Cover Non-Grant Related Costs; 3. <u>Accept</u> as Complete the Signing and Striping for Class II Bikeways Project in the Final Amount of \$76,053; and 4. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder’s Office.	81
8.	<u>AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES ON AN AS-NEEDED BASIS</u> Recommended Action(s): 1. <u>Approve</u> Fiscal Year 2005-2006 Professional Services Contract with Harris & Associates to Provide Contract Plan Checking Services on an As-Needed Basis at a Not-to-Exceed Fee of \$126,000; Subject to Adoption of the Fiscal Year 2005-2006 Budget; and 2. <u>Authorize</u> the City Manager to Execute the Contract; Subject to Review and Approval by the City Attorney.	85
9.	<u>APPROVE DISADVANTAGED BUSINESS ENTERPRISE (DBE) ANNUAL GOAL</u> Recommended Action(s): <u>Approve</u> the City’s Disadvantaged Business Enterprise Annual Overall DBE Goal of 3.2% for the Federal Fiscal Year 2004-2005, Beginning on October 1, 2004 and Ending on September 30, 2005.	87

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	Consent Calendar: 1 - 10 Minutes	
10.	<u>AMENDMENT TO CONTRACT PROVIDING PUBLIC WORKS INSPECTIONS ON AN AS-NEEDED BASIS</u>	93
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Amendment to the Contract with Testing Engineers, Inc. (TEI) to Increase the Contract Amount by \$15,000; and	
	2. <u>Authorize</u> the City Manager to Execute the Contract Amendment, Subject to Review and Approval by the City Attorney.	
11.	<u>APPROVE PURCHASE FOR GENERATOR ENCLOSURE AND TRAILER FOR LLAGAS BOOSTERS</u>	95
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Purchase of a Generator Enclosure and Trailer for Llagas Boosters from Quinn Power Systems; and	
	2. <u>Approve</u> Purchase Order of \$30,485.81 to Quinn Power Systems for the Enclosure and Trailer.	
12.	<u>PUBLIC WORKS MAINTENANCE AGREEMENTS FOR FISCAL YEAR 2005-2007</u>	97
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> New Maintenance Agreements for Sewer Repair for Sewer Lift Station Pumps and Storm Station Pumps;	
	2. <u>Approve</u> New Maintenance Agreements for Generator Maintenance Services; and	
	3. <u>Authorize</u> the City Manager to Execute the Agreements on Behalf of the City, Subject to Review and Approval by the City Attorney.	
13.	<u>FOURTH AMENDMENT TO AGREEMENT WITH THE STROMBOTNE LAW FIRM</u>	99
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to execute a Fourth Amendment to Agreement with the Strombotne Law Firm.	
14.	<u>RESOLUTION AUTHORIZING THE CITY OF MORGAN HILL TO ENTER INTO AN AGREEMENT WITH PUBLIC AGENCY RETIREMENT SERVICES TO PROVIDE AN ALTERNATE RETIREMENT SYSTEM FOR TEMPORARY AND SEASONAL EMPLOYEES AND ELECTED OFFICIALS</u>	113
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution.	
15.	<u>ADOPT ORDINANCE NO. 1726, NEW SERIES</u>	117
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1726, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA-05-01 FOR APPLICATION MP-04-26: COCHRANE-MISSION RANCH (APN 728-32-010).	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 16

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Consent Calendar: 1 - 10 Minutes

16. **FACADE IMPROVEMENT PROGRAM** 121
Recommended Action(s): Authorize the Executive Director to Make the Recommended Changes to the Facade Improvement Program.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 17

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

17. **APPROVE MINUTES OF JOINT REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF JUNE 1, 2005** 125

City Council Action

PUBLIC HEARINGS:

Time Estimate **Page**

18. **2 Minutes** **DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-15: EAST CENTRAL-WARMINGTON HOMES** 135
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Table** Item.
19. **5 Minutes** **DEVELOPMENT AGREEMENT AMENDMENT, DAA-98-11: SPRING-MALONE/SPEER** 141
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Development Agreement Amendment Ordinance.
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)

PUBLIC HEARINGS:

	Time Estimate		Page
20.	5 Minutes	<u>DEVELOPMENT AGREEMENT, DA-05-02: COCHRANE-LUPINE</u>	151
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
21.	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-04-04: HILL GERA</u>	183
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
22.	10 Minutes	<u>ZONING AMENDMENT APPLICATION, ZAA-01-20: TENNANT-SAFEWAY</u>	193
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
23.	15 Minutes	<u>FOX HOLLOW-MURPHY SPRINGS LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT – CONDUCT FIRST PUBLIC HEARING FOR PROPOSITION 218 BALLOTING PROCESS</u>	215
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Receive</u> Public Comments.	

City Council and Redevelopment Agency Action

PUBLIC HEARINGS:

	Time Estimate		Page
24.	15 Minutes	<u>PUBLIC HEARING OF PROPOSED FISCAL YEAR 2005-2006 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET</u>	221
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Schedule</u> the Proposed Budget for Adoption on June 22, 2005.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
25.	10 Minutes	<u>CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT MARKETING PLAN FOR FISCAL YEAR 2005-2006</u>	223
		<u>Recommended Action(s):</u>	
		1. <u>Refer</u> the Morgan Hill Chamber of Commerce's Economic Development Marketing Plan to the Council's Community and Economic Development Committee (C&ED) for Consideration and Recommendation; and	
		2. <u>Establish</u> Parameters for the C&ED to Consider in Evaluating the Proposal.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
26.	45 Minutes	<u>YEAR-LONG COMMUNITY CONVERSATION</u>	235
		<u>Recommended Action(s):</u>	
		1. <u>Discuss</u> Report from Financial Policy Committee and <u>Provide</u> Direction; and	
		2. <u>Add</u> \$50,000 to the Proposed 2005-2006 General Fund Budget for the Cost of a Consultant to Manage the Year-Long Community Conversation Process.	
27.	10 Minutes	<u>INTERVIEW AND APPOINTMENT PROCESS FOR BOARDS AND COMMISSIONS</u>	239
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> Current Interview/Appointment Process to Boards and Commissions;	
		2. <u>Consider</u> Alternative Process(es);	
		3. <u>Provide</u> Staff Direction as to the Preferred Process; and	
		4. <u>Schedule</u> Date to Interview.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
28.	5 Minutes	<u>JULY 2005 MEETING SCHEDULE</u>	249
		<u>Recommended Action(s):</u> <u>Provide</u> Staff Direction Regarding the City Council and Redevelopment Agency's July 2005 Meeting Schedule.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT